

REMARKS

Claims 1-10 are pending in the instant application. Claims 11-20 have been withdrawn from consideration in response to a restriction requirement dated March 23, 2004. Regarding the restriction requirement, the Examiner alleges that Groups I and II are distinct inventions in that they are related as subcombinations disclosed as usable together in a single combination, that the subcombinations are separately usable, and thus, distinct from each other. Applicants timely traversed the restriction as noted by the Examiner in the instant action. However, the restriction was made Final because the Applicants arguments presented in the response to restriction inadvertently asserted the use of the term species, rather than invention. The Applicants request reconsideration of the finality of the restriction requirement and submit that the restriction requirement is improper as to claims 11-20 because claims 11-20 are directed to a medium that includes instructions for implementing the methods claimed in Applicants' Claims 1-10. Accordingly, Group II is not 'distinct' from Group I and are, thus, improperly restricted.

The Examiner has rejected claims 1-10 under 35 U.S.C. 101 as allegedly directed to non-statutory subject matter for failing to recite a connection to a technological art. Further, claims 6 and 7 stand rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 1-10 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,151,582 issued to Huang et al. (hereinafter "Huang") in view of U.S. Patent No. 6,633,878 issued

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to Underwood.

Claims 1, 3, 6, and 7 have been amended. Claim 10 has been canceled. The Applicants submit that claims 1-9 are in condition for allowance for at least the reasons presented herein. No new matter has been entered.

*Claim Rejections under 35 USC § 101*

Claims 1-10 have been rejected under 35 U.S.C. 101 for allegedly being directed to non-statutory subject matter. Specifically, the Examiner asserts that claims 1-10 are directed to non-statutory subject matter for failing to recite a connection to a technological art. The Applicants respectfully disagree and submit that claims 1-9 (claim 10 has been canceled) properly recite statutory subject matter in that they are connected to a technological art. Specifically, claim 1 recites a "method for facilitating database management processes...via a communications network, comprising: extracting part data ...from a data storage location; and storing said part data ...in said data storage location, ...accomplished by a parts database management software application." The connection to a technological art recited in Applicants' claim 1 relates to database management processes implemented by a parts database management software application. Notwithstanding, the Applicants have amended claim 1 in a non-narrowing manner to recite a data storage 'device' in lieu of a data storage 'location' in order to clarify the nature of the storage element. The Applicants submit that claim 1 is in condition for allowance and respectfully requests reconsideration of the outstanding rejection. Claims 2-9 depend from claim 1 and are believed to be in condition for allowance for at least this

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reason. Reconsideration of the rejections of claims 2-9 is respectfully requested.

***Claim Rejections under 35 USC § 112***

Claims 6 and 7 have been rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner indicates that the recitation of first and second conditions is unclear. The Applicants have amended claims 3, 6, and 7 in a non-narrowing manner to clarify the nature of the conditions recited therein. The Applicants submit that claims 3, 6, and 7 are in condition for allowance and respectfully request reconsideration of the outstanding rejections.

***Claim Rejections under 35 USC § 103***

Claims 1-10 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Huang in view of Underwood. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

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Applicants' amended claim 1 recites a "method for facilitating database management processes for an enterprise via a communications network, comprising: extracting part data relating to a part from a data storage device; retrieving activity data related to said part, said activity data including: demand data; purchase data; and creation data including a date a part number for the part is added to the data storage device; evaluating said part data and said activity data; associating a status code with said part data based upon results of said evaluating, the status code assigned being one of active and inactive; and storing the part data and said status code in said data storage location, wherein said facilitating said database management processes is accomplished by a parts database management software application".

The Applicants submit that the rejection of claim 1 under 35 U.S.C. 103 is improper because neither Huang, nor Underwood, alone or in combination, recite each and every element of Applicants' claim 1. Specifically, neither Huang nor Underwood teach or suggest extracting part data, retrieving activity data related to the part including demand data, purchase data, and creation data. The creation data recited in claim 1 includes a date a part number for the part is added to a data storage device. Support for the amendment to this limitation may be found in on page 6 of the Applicants' specification. Moreover, neither Huang nor Underwood teach or suggest assigning an active or inactive status code to part data in response to an evaluation performed on the part data. Accordingly, because neither Huang nor Underwood teach each and every element of Applicants' claim 1, the Applicants submit that claim 1 is patentable over Huang in view of Underwood.

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With respect to the status code, the Examiner indicates that it would have been obvious to designate an active or inactive status to part data in order to downsize a database. This assertion amounts to a statement of Official Notice. The Applicants submit that the Examiner's use of Official Notice in this circumstance is improper. MPEP § 2144.03 defines when it is proper to use Official Notice. In particular, the MPEP states "Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known." The MPEP also states "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well-known are not capable of instant and unquestionable demonstration as being well-known." The MPEP gives as an example specific knowledge of the art. In this case, the limitation of identifying an active status and an inactive status to part data in response to an evaluation is not capable of instant and unquestionable demonstration as being well-known. Accordingly, the Applicants assert that it is improper to rely on Official Notice for the limitation recited in claim 1.

The Applicants submit that claim 1 is patentable over Huang in view of Underwood for at least the reasons presented above. Claim 10 has been canceled and its limitations have been incorporated into claim 1. Claims 2-9 depend from what is an allowable claim 1 and are believed to be allowable for at least this reason. Reconsideration of the outstanding rejections is respectfully requested.

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No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 50-0510 maintained by Applicants' Assignee.

Respectfully submitted,

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